

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 21, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRUCE GOODELL, a single person,

Plaintiff,

v.

COLUMBIA COUNTY PUBLIC
TRANSPORTATION; COLUMBIA
COUNTY TRANSPORTATION
AUTHORITY; and DAVID OCAMPO,
Defendants.

NO. 2:20-CV-00226-SAB

**ORDER DISMISSING MOTIONS
AS MOOT**

Before the Court are the parties' cross-motions for summary judgment, ECF Nos. 6 and 14, and Defendants' Motion to Dismiss Violation of Due Process Claim and to Decline Supplemental Jurisdiction, ECF No. 12. The motions were noted for oral argument on September 10, 2020. However, the Court finds that oral argument on the motions is no longer necessary. LCivR 7(i)(3)(B)(iii). The Court has reviewed the briefing and the relevant caselaw and accordingly denies all three motions as moot.

Background

The facts of this case are not particularly relevant to the disposition of the pending motions. Briefly, Plaintiff alleges a myriad of discrimination and retaliation claims against Defendants, his employers, arising out of whistleblowing

ORDER DISMISSING MOTIONS AS MOOT * 1

1 activities and because of his sexual orientation. He filed a Complaint in this Court
2 on June 17, 2020. Shortly thereafter, Plaintiff moved for partial summary judgment
3 on the merits of one of its retaliation claims under the Washington Law Against
4 Discrimination (WLAD). ECF No. 6. In response, Defendants filed their own
5 motion for summary judgment, ECF No. 14, as well as the pending motion to
6 dismiss, ECF No. 12. On August 19, 2020, Plaintiff responded to Defendants'
7 cross-motion for summary judgment and replied in support of his motion for
8 summary judgment. ECF No. 19. The next day, Plaintiff filed his First Amended
9 Complaint as a matter of course, realleging the claims in his original complaint
10 with the addition of a First Amendment retaliation claim. ECF No. 21.

11 Discussion

12 Although the Amended Complaint does not provide the basis for which it
13 was filed, it appears that the Complaint was filed pursuant to Fed. R. Civ. P.
14 15(a)(1)(B) because it was filed within 21 days after receipt of Defendants' Rule
15 12(b) motion, ECF No. 12. Thus, the amendment was as a matter of course for
16 which leave of Court or consent of the opposing party was not required. Upon
17 filing, an amended complaint supersedes a previously filed complaint in its
18 entirety. *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015)
19 (citing *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997), *overruled on*
20 *other grounds by Lacey v. Maricopa Cty.*, 693 F.3d 896, 928 (9th Cir. 2012)). The
21 pending cross-motions for partial summary judgment, ECF Nos. 6 and 14, and
22 Defendants' Motion to Dismiss Violation of Due Process Claim and to Decline
23 Supplemental Jurisdiction, ECF No. 12, target the superseded initial complaint.
24 Accordingly, those motions are moot.

25 Accordingly, **IT IS HEREBY ORDERED:**

26 1. Plaintiff's Motion for Partial Summary Judgment, ECF No. 6, is **denied**
27 **as moot.**

1 2. Defendants' Cross-Motion for Summary Judgment, ECF No. 14, is
2 **denied as moot.**

3 3. Defendants' Motion to Dismiss Violation of Due Process Claim and to
4 Decline Supplemental Jurisdiction, ECF No. 12, is **denied as moot.**

5 4. The hearing set for September 10, 2020 is **stricken.**

6 5. Defendants shall respond to the First Amended Complaint within
7 **fourteen days.**

8 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
9 this Order and to provide copies to counsel.

10 **DATED** this 21st day of August 2020.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

16 Stanley A. Bastian
17 Chief United States District Judge
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